
By: **Charles County Delegation**
Introduced and read first time: February 7, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Violations Recorded by Traffic Control Signal Monitoring**
3 **Systems - Penalty**

4 FOR the purpose of increasing the maximum civil penalty for certain red light
5 violations recorded by a traffic control signal monitoring system; and generally
6 relating to the civil penalty for violations recorded by traffic control signal
7 monitoring systems.

8 BY repealing and reenacting, with amendments,
9 Article - Transportation
10 Section 21-202.1
11 Annotated Code of Maryland
12 (2002 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Transportation**

16 21-202.1.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) "Agency" means:

19 (i) For a traffic control signal operated and maintained at an
20 intersection under the control of the State, the law enforcement agency primarily
21 responsible for traffic control at that intersection; or

22 (ii) For a traffic control signal operated and maintained at an
23 intersection under the control of a political subdivision, a law enforcement agency of
24 the political subdivision that is authorized to issue citations for a violation of the
25 Maryland Vehicle Law or of local traffic laws or regulations.

26 (3) (i) "Owner" means the registered owner of a motor vehicle or a
27 lessee of a motor vehicle under a lease of 6 months or more.

1 (ii) "Owner" does not include a motor vehicle rental or leasing
2 company or a holder of a special registration plate issued under Part III of Title 13,
3 Subtitle 9 of this article.

4 (4) "Recorded images" means images recorded by a traffic control signal
5 monitoring system:

6 (i) On:

- 7 1. Two or more photographs;
- 8 2. Two or more microphotographs;
- 9 3. Two or more electronic images;
- 10 4. Videotape; or
- 11 5. Any other medium; and

12 (ii) Showing the rear of a motor vehicle and, on at least one image
13 or portion of tape, clearly identifying the registration plate number of the motor
14 vehicle.

15 (5) "Traffic control signal monitoring system" means a device with one or
16 more motor vehicle sensors working in conjunction with a traffic control signal to
17 produce recorded images of motor vehicles entering an intersection against a red
18 signal indication.

19 (b) This section applies to a violation of § 21-202(h) of this subtitle at an
20 intersection monitored by a traffic control signal monitoring system.

21 (c) (1) Unless the driver of the motor vehicle received a citation from a
22 police officer at the time of the violation, the owner or, in accordance with subsection
23 (f)(5) of this section, the driver of a motor vehicle is subject to a civil penalty if the
24 motor vehicle is recorded by a traffic control signal monitoring system while being
25 operated in violation of § 21-202(h) of this subtitle.

26 (2) A civil penalty under this subsection may not exceed [~~\$100~~] \$120.

27 (3) For purposes of this section, the District Court shall prescribe:

28 (i) A uniform citation form consistent with subsection (d)(1) of this
29 section and § 7-302 of the Courts and Judicial Proceedings Article; and

30 (ii) A civil penalty, which shall be indicated on the citation, to be
31 paid by persons who choose to prepay the civil penalty without appearing in District
32 Court.

33 (d) (1) Subject to the provisions of paragraphs (2) through (4) of this
34 subsection, an agency shall mail to the owner liable under subsection (c) of this
35 section a citation which shall include:

- 1 (i) The name and address of the registered owner of the vehicle;
- 2 (ii) The registration number of the motor vehicle involved in the
3 violation;
- 4 (iii) The violation charged;
- 5 (iv) The location of the intersection;
- 6 (v) The date and time of the violation;
- 7 (vi) A copy of the recorded image;
- 8 (vii) The amount of the civil penalty imposed and the date by which
9 the civil penalty should be paid;
- 10 (viii) A signed statement by a technician employed by the agency
11 that, based on inspection of recorded images, the motor vehicle was being operated in
12 violation of § 21-202(h) of this subtitle;
- 13 (ix) A statement that recorded images are evidence of a violation of
14 § 21-202(h) of this subtitle; and
- 15 (x) Information advising the person alleged to be liable under this
16 section:
- 17 1. Of the manner and time in which liability as alleged in the
18 citation may be contested in the District Court; and
- 19 2. Warning that failure to pay the civil penalty or to contest
20 liability in a timely manner is an admission of liability and may result in refusal or
21 suspension of the motor vehicle registration.
- 22 (2) The agency may mail a warning notice in lieu of a citation to the
23 owner liable under subsection (c) of this section.
- 24 (3) Except as provided in subsection (f)(5) of this section, a citation
25 issued under this section shall be mailed no later than 2 weeks after the alleged
26 violation.
- 27 (4) An agency may not mail a citation to a person who is not an owner
28 under subsection (a)(3)(ii) of this section.
- 29 (5) A person who receives a citation under paragraph (1) of this
30 subsection may:
- 31 (i) Pay the civil penalty, in accordance with instructions on the
32 citation, directly to the political subdivision or to the District Court; or
- 33 (ii) Elect to stand trial for the alleged violation.

1 (e) (1) A certificate alleging that the violation of § 21-202(h) of this article
2 occurred, sworn to or affirmed by a duly authorized agent of the agency, based on
3 inspection of recorded images produced by a traffic control signal monitoring system
4 shall be evidence of the facts contained therein and shall be admissible in any
5 proceeding alleging a violation under this section.

6 (2) Adjudication of liability shall be based on a preponderance of
7 evidence.

8 (f) (1) The District Court may consider in defense of a violation:

9 (i) That the driver of the vehicle passed through the intersection in
10 violation of § 21-202(h) of this subtitle:

11 1. In order to yield the right-of-way to an emergency vehicle;
12 or

13 2. As part of a funeral procession in accordance with §
14 21-207 of this subtitle;

15 (ii) Subject to paragraph (2) of this subsection, that the motor
16 vehicle or registration plates of the motor vehicle were stolen before the violation
17 occurred and were not under the control or possession of the owner at the time of the
18 violation;

19 (iii) That under § 21-201 of this subtitle, this section is
20 unenforceable against the owner because at the time and place of the alleged
21 violation, the traffic control signal was not in proper position and legible enough to be
22 seen by an ordinarily observant individual;

23 (iv) Subject to paragraph (3) of this subsection, evidence that the
24 person named in the citation was not operating the vehicle at the time of the
25 violation; and

26 (v) Any other issues and evidence that the District Court deems
27 pertinent.

28 (2) In order to demonstrate that the motor vehicle or the registration
29 plates were stolen before the violation occurred and were not under the control or
30 possession of the owner at the time of the violation, the owner must submit proof that
31 a police report about the stolen motor vehicle or registration plates was filed in a
32 timely manner.

33 (3) To satisfy the evidentiary burden under paragraph (1)(iv) of this
34 subsection, the person named in the citation shall provide to the District Court
35 evidence to the satisfaction of the court of who was operating the vehicle at the time
36 of the violation, including, at a minimum, the operator's name and current address.

37 (4) (i) The provisions of this paragraph apply only to a citation that
38 involves a Class E (truck) vehicle with a registered gross weight of 26,001 pounds or

1 more, Class F (tractor) vehicle, Class G (trailer) vehicle operated in combination with
2 a Class F (tractor) vehicle, and Class P (passenger bus) vehicle.

3 (ii) To satisfy the evidentiary burden under paragraph (1)(iv) of this
4 subsection, the person named in a citation described under subparagraph (I) of this
5 paragraph may provide to the District Court a letter, sworn to or affirmed by the
6 person and mailed by certified mail, return receipt requested, that:

7 1. States that the person named in the citation was not
8 operating the vehicle at the time of the violation; and

9 2. Provides the name, address, and driver's license
10 identification number of the person who was operating the vehicle at the time of the
11 violation.

12 (5) (i) If the District Court finds that the person named in the citation
13 was not operating the vehicle at the time of the violation or receives evidence under
14 paragraph (4)(ii)2 of this subsection identifying the person driving the vehicle at the
15 time of the violation, the clerk of the court shall provide to the agency issuing the
16 citation a copy of any evidence substantiating who was operating the vehicle at the
17 time of the violation.

18 (ii) Upon the receipt of substantiating evidence from the District
19 Court under subparagraph (I) of this paragraph, an agency may issue a citation as
20 provided in subsection (d) of this section to the person that the evidence indicates was
21 operating the vehicle at the time of the violation.

22 (iii) A citation issued under subparagraph (ii) of this paragraph
23 shall be mailed no later than 2 weeks after receipt of the evidence from the District
24 Court.

25 (g) If the civil penalty is not paid and the violation is not contested, the
26 Administration may refuse to register or reregister or may suspend the registration of
27 the motor vehicle.

28 (h) A violation for which a civil penalty is imposed under this section:

29 (1) Is not a moving violation for the purpose of assessing points under §
30 16-402 of this article and may not be recorded by the Administration on the driving
31 record of the owner or driver of the vehicle;

32 (2) May be treated as a parking violation for purposes of § 26-305 of this
33 article; and

34 (3) May not be considered in the provision of motor vehicle insurance
35 coverage.

36 (i) In consultation with local governments, the chief judge of the District
37 Court shall adopt procedures for the issuance of citations, the trial of civil violations,
38 and the collection of civil penalties under this section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.